

BOARD OF BARBERING & COSMETOLOGY

INITIAL STATEMENT OF REASONS

HEARING DATE: February 26, 2007

SUBJECT OF PROPOSED REGULATIONS: Cleaning and Disinfecting
Pedicure Footspa Equipment

SECTION AFFECTED: Amend Section 980.1, Adopt Sections 980.2, 980.3

Specific Purpose

Amend Section 980.1: Procedures for Cleaning and Disinfecting Whirlpool Footspas, and Air-Jet Basins.

This regulation defines an Air-Jet footspa basin in order to include it in the new cleaning procedures. The effect of this regulation is to emphasize frequent cleaning behind the inlet suction screen, establishes a uniform minimum running time for circulating detergent through the spa system, specifies the type of cleaning agents and disinfectant to be used.

Adopt Section 980.2: Procedures for Cleaning and Disinfecting Pipe-less Footspas.

This regulation adopts language specific to and defines a Pipe-Less footspa basin in order to include it in the new cleaning procedures. The effect of this regulation is to emphasize frequent cleaning behind footplates, removable components, and impellers, establishes a uniform minimum running time for circulating detergent through the spa system, specifies the type of cleaning agents and disinfectant to be used.

Adopt Section 980.3: Procedures for Cleaning and Disinfecting Non-Whirlpool Foot Basins or Tubs.

This regulation adopts language specific to and defines a Non-Whirlpool footspa basin and tub in order to include it in the new cleaning procedures. The effect of this regulation is to emphasize frequent cleaning of the inside surfaces of the basin or tub, establishes a uniform minimum sitting time for the disinfecting solution to remain undisturbed in the basin or tub, specifies the type of disinfectant to be used.

Factual Basis

Existing law directs the board to adopt rules governing sanitary conditions necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in Chapter 10 of Division 3 of the Business and Professions Code.

There was an outbreak of skin boils in Santa Cruz County in October 2000. More than 100 pedicure customers were affected by the outbreak, which was traced back to a single Watsonville salon where the footspa equipment was not properly cleaned and disinfected. In May 2001 the Board promulgated regulations that provided specific procedures for cleaning and disinfecting footspas. However, the outbreaks continued.

In November 2004, there was another outbreak of serious pedicure-related skin infections in Santa Clara County. This outbreak involved 33 different salons and 143 customers. Another outbreak occurred in March 2005 in Contra Costa County involving 17 people.

The Board of Barbering and Cosmetology investigated multiple environmental samples from the salons for bacterial culture, including any substance that came in contact with the patrons' lower legs during pedicures. We cultured behind the inlet suction screen of each of the whirlpool-footbath basins in the salons. We obtained tap-water specimens from the salon's sinks. We found large amounts of hair and skin debris behind the inlet suction screen of every whirlpool footbath examined during our initial visit to the salons. It became apparent that the areas behind these screens were never cleaned, and cultures from these areas of all footbaths yielded *Mycobacterium fortuitum* (*M. Fortuitum*). We found other acid-fast organisms in at least five of the footbaths, including *M. mucogenicum*, *M. smegmatis*, unidentified mycobacteria, and nocardia organisms. All cultures of oils, lotions, whirlpool disinfectant, and whirlpool bubble soap were negative. Salon tap water yielded rapidly growing mycobacteria in the *M. chelonae* (or *M. abscessus*) group.

This investigation identified a large community outbreak of *M. fortuitum* furunculosis after the use of contaminated whirlpool footbaths in California nail salons. A single strain of *M. fortuitum* was responsible for the follicular infections, and the same strain was recovered from the footbaths that were used in pedicures. Outbreaks of follicular disease from whirlpools and baths caused by pseudomonas and staphylococcus bacteria have been documented, but only a few sporadic cases of cutaneous infection with rapidly growing mycobacteria have been reported in this setting. In contrast to the quickly healing and nonscarring lesions of typical folliculitis, this outbreak produced severe, protracted, scarring furunculosis.

In these outbreaks, it appears that rapidly growing mycobacteria, which commonly inhabit municipal water systems, enter the salons in the tap water, seeds the accumulated organic debris behind the footbath inlet screens, and then multiply in this warm, nutritive environment. These organisms recirculated within the footbath basin as pedicure customers received footbaths. Because all of the

salon's footbaths harbored one or more rapidly growing mycobacterial species, and in some cases even multiple strains of *M. fortuitum*, it is unlikely that the footbaths were contaminated by a patron.

Rapidly growing mycobacteria is highly prevalent in whirlpool footbaths. More than one species (*M. fortuitum* and other known pathogens) was found in most machines, even when little debris is present. The nail-care industry is large and growing. In California there are more than 36,000 salons, and the number of licensed nail technicians has more than doubled from 40,000 to 100,000 in the past 10 years.

There may be similar outbreaks in the future. Salon-associated infections may also occur sporadically and not be recognized. After notifying local health departments in California of this outbreak, we were informed of sporadic cases of rapidly growing mycobacterial furunculosis of the lower extremities in pedicure customers at other salons.

The large and unprecedented *Mycobacterium fortuitum* outbreak we identified affected healthy persons who took whirlpool footbaths as part of pedicures. We believe that these rapidly growing mycobacterial infections associated with nail salons are underrecognized and may increase in prevalence unless we amend and adopt these proposed regulations. In Texas, a person died as a result of a similar bacteria infection. In July 2006, a person died in California, the cause of the death is believed to be a result of an infection contracted through a pedicure done in a dirty footspa.

At the direction of the Governor, a working group was created which consisted of Board of Barbering and Cosmetology, county health officials, consumer groups, pedicure equipment manufacturers and other interested parties. They collaborated to determine how to improve the safety of pedicure equipment and ensure appropriate consumer protection. The working group developed these new state regulations for the nail-care industry.

The working group had decided that the liquid disinfectant works best for circulating the solution through the basin. The group felt that use of a disinfectant of a powder form may have problems fully dissolving in the water. Although the use of a disinfectant of a tablet form sanitizes the water, the goal is to sanitize and circulate the solution through the system for proper sanitizing of components and basin, not just "the water". Additionally, specifying a "liquid" form of soap and disinfectant mixes faster and saves time.

The proposed regulations and adoptions emphasize frequent cleaning behind the inlet suction, and all areas and surfaces of various types of footspa basins. They specify cleaning agents to be used to ensure the most effective sanitation and disinfection in order to prevent bacteria growth in footbaths and provide appropriate consumer protection from infections caused by dirty pedicure equipment.

Underlying Data

The recommendations made from the Working Group on Footspa Safety Safety

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.